

SB2120



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2120

Introduced 2/14/2008, by Sen. Carole Pankau

SYNOPSIS AS INTRODUCED:

220 ILCS 5/8-505.1

Amends the Public Utilities Act. Provides that after the effective date of the amendatory Act, no person may plant a tree under overhead electric power lines. Provides that the electric utility may remove any tree in violation of the specified provisions.

LRB095 17637 MJR 43711 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by adding
5 Section 8-505.1 as follows:

6 (220 ILCS 5/8-505.1)

7 Sec. 8-505.1. Non-emergency vegetation management
8 activities.

9 (a) Except as provided in subsections (b), (c), and (d), in
10 conducting its non-emergency vegetation management activities,
11 an electric public utility shall:

12 (1) Follow the most current tree care and maintenance
13 standard practices set forth in ANSI A300 published by the
14 American National Standards Institute and the most current
15 applicable Occupational Safety and Health Administration
16 regulations regarding worker safety.

17 (2) Provide direct notice of vegetation management
18 activities no less than 21 days nor more than 90 days
19 before the activities begin.

20 (A) If the vegetation management activities will
21 occur in an incorporated municipality, the notice must
22 be given to the mayor or his or her designee.

23 (B) If the vegetation management activities will

1 occur in an unincorporated area, the notice must be
2 given to the chairman of the county board or his or her
3 designee.

4 (C) Affected customers shall be notified directly.

5 (D) Affected property owners shall be notified by a
6 published notice in a newspaper or newspapers in
7 general circulation and widely distributed within the
8 entire area in which the vegetation management
9 activities notice will occur.

10 (E) Circuit maps or a description by common address
11 of the area to be affected by vegetation management
12 activities must accompany any notice to a mayor or his
13 or her designee or to a chairman of a county board or
14 his or her designee.

15 (3) The electric public utility giving the direct and
16 published notices required in subsection (a)(2) shall
17 provide notified customers and property owners with (i) a
18 statement of the vegetation management activities planned,
19 (ii) the address of a website and a toll-free telephone
20 number at which a written disclosure of all dispute
21 resolution opportunities and processes, rights, and
22 remedies provided by the electric public utility may be
23 obtained, (iii) a statement that the customer and the
24 property owner may appeal the planned vegetation
25 management activities through the electric public utility
26 and the Illinois Commerce Commission, (iv) a toll-free

1 telephone number through which communication may be had
2 with a representative of the electric public utility
3 regarding the vegetation management activities, and (v)
4 the telephone number of the Consumer Affairs Officer of the
5 Illinois Commerce Commission. The notice shall also
6 include a statement that circuit maps and common addresses
7 of the area to be affected by the vegetation management
8 activities are on file with the office of the mayor of an
9 affected municipality or his or her designee and the office
10 of the county board chairman of an affected county or his
11 or her designee.

12 The Commission shall have sole authority to investigate,
13 issue, and hear complaints against the utility under this
14 subsection (a).

15 (b) A public utility shall not be required to comply with
16 the requirements of subsection (d) or of paragraphs (2) and (3)
17 of subsection (a) when it is taking actions directly related to
18 an emergency to restore reliable service after interruptions of
19 service.

20 (c) A public utility shall not be required to comply with
21 the requirements of subsection (a) or (d) if there is a
22 franchise, contract, or written agreement between the public
23 utility and the municipality or county mandating specific
24 vegetation management practices. If the franchise, contract,
25 or written agreement between the public utility and the
26 municipality or county establishes requirements for notice to

1 the municipality, county, customers, and property owners,
2 those notice requirements shall control over the notice
3 requirements of paragraphs (2) and (3) of subsection (a). If
4 the franchise, contract, or written agreement between the
5 public utility and the municipality or county does not
6 establish notice requirements, the notice requirements
7 contained in paragraphs (2) and (3) of subsection (a) shall
8 control.

9 (d) If no franchise, contract, or written agreement between
10 a utility and a municipality mandates a specific vegetation
11 management practice and the municipality enacts an ordinance
12 establishing standards for non-emergency vegetation management
13 practices that are contrary to the standards established by
14 this Section and the vegetation management activities of the
15 electric public utility cost substantially more, as a direct
16 consequence, then the electric public utility may, before
17 vegetation management activities begin, apply to the
18 municipality for an agreement to pay the additional cost. When
19 an application for an agreement is made to the municipality, no
20 vegetation management activities shall begin until the
21 municipality responds to the application by agreement or
22 rejection or dispute resolution proceedings are completed. The
23 application shall be supported by a detailed specification of
24 the difference between the standards established by this
25 Section and the contrary standards established by the municipal
26 ordinances and by a good faith bid or proposal obtained from a

1 utility contractor or contractors quantifying the additional
2 cost for performing the specification. When the municipality
3 receives the specification and the utility contractor's bid or
4 proposal, the municipality shall agree, reject, or initiate
5 dispute resolution proceedings regarding the application
6 within 90 days after the application's receipt. If the
7 municipality does not act within 90 days or informs the utility
8 that it will not agree, the electric public utility may proceed
9 and need not comply with the contrary ordinance standard. When
10 there is a dispute regarding (i) the accuracy of the
11 specification, (ii) whether there is a conflict with the
12 standards established by this Section, or (iii) any aspect of
13 the bid or proposal process, the Illinois Commerce Commission
14 shall hear and resolve the disputed matter or matters, with the
15 electric public utility having the burden of proof. A
16 municipality may have a person trained in tree care and
17 maintenance generally monitor and discuss with the vegetation
18 management supervisory personnel of the electric public
19 utility the performance of the public utility's vegetation
20 management activities without any claim for costs hereunder by
21 the public utility arising therefrom.

22 The provisions of this Section shall not in any way
23 diminish or replace other civil or administrative remedies
24 available to a customer or class of customers or a property
25 owner or class of property owners under this Act. This Section
26 does not alter the jurisdiction of the Illinois Commerce

1 Commission in any manner except to obligate the Commission to
2 investigate, issue, and hear complaints against an electric
3 public utility as provided in subsection (a)(3) and to hear and
4 resolve disputed matters brought to it as provided in this
5 subsection. Vegetation management activities by an electric
6 public utility shall not alter, trespass upon, or limit the
7 rights of any property owner.

8 (e) After the effective date of this amendatory Act of the
9 95th General Assembly, no person may plant a tree under
10 overhead electric power lines. The electric utility may remove
11 any tree in violation of this subsection (e).

12 (Source: P.A. 91-902, eff. 7-6-00; 92-214, eff. 8-2-01.)